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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,887	08/31/2001	Donald J. Remboski	IA00009	4070
23330	7590	08/11/2004	EXAMINER	
MOTOROLA, INC. CORPORATE LAW DEPARTMENT - #56-238 3102 NORTH 56TH STREET PHOENIX, AZ 85018			SHAH, CHIRAG G	
			ART UNIT	PAPER NUMBER
			2664	23
DATE MAILED: 08/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,887	REMBOSKI ET AL. <i>[Signature]</i>	
	Examiner	Art Unit	
	Chirag G Shah	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 May 1704.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>20</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar in view of Razavi (WO 00/77620).

Referring to claims 1-5 and 13, Civanlar discloses in figure 3 of an active network (Core and Edge) and wherein the device 90 includes a device network element forming a portion of the active network. Civanlar discloses in figure 3 of providing within the device 90 a device network element and coupling device network element to the active network (Core and Edge). Civanlar further discloses in figure 3 and respective portions of the specification that the device network elements comprise a switch, router, bridge and a packet data network as claims 2-5. Civanlar fails to disclose of the active network within the vehicle and devices disposed within the vehicle and having a vehicle related function. Razavi discloses a system for integrating components into a vehicle wherein components comprise devices coupled to an in-car network. Razavi discloses in figure 2, of an in-car Ethernet LAN (figure 2, item 24) for communicating data between devices within the vehicle. Razavi further discloses of an in-car subnetwork on page 5, lines 38 to page 6, lines 23 of communication devices such as wireless modems 26, CDPD modem 27, cellular phone 29 and wireless Ethernet 28 disposed within the vehicle having

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a vehicle related function. Furthermore, Razavi discloses in column 6, lines 1-2, that all of the components of the in-car subnetwork are either directly plugged into the compute platform or coupled via an Ethernet connection, thus the devices such as 26, 27 and 29 are coupled to the, in-car Ethernet LAN (figure 2, item 24) and wherein the device includes a device network element interfaces forming a portion of the active network as claim 1. Therefore, it would have been obvious to one of ordinary skills in the art to use the communication system of Civanlar et al. in a vehicle as taught by Razavi in order to illustrate the capability of applying vehicular functions based on design/environment choice specific to the system requirement.

Referring to claim 6, Civlanar discloses in figure 3, wherein the device 95 comprises a second device network element as claim.

Referring to claim 7, Civlanar discloses in figure 3, wherein the device network element and the second device network element are communicatively coupled (Edge is coupled to the Core portion) as claim.

Referring to claim 8, Civlanar discloses in figure 3, wherein the first device network element 90 is coupled to a first portion 100 of the active network and the second device network element 95 is coupled to a second portion 103 of the active network as claim.

Referring to claim 9, Civlanar discloses in figure 3, wherein the devices 90 and 95 includes a first functional element 100 and a second function element 103, and wherein the first function element 100 and the second functional element 103 are coupled to the device network elements 90 and 95 as claim.

Referring to claim 10, Civlanar discloses in figure 3, wherein the device network element comprises a first device network element 90 and a second device element 95, the first functional

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element 100 being coupled to the first network element 90 and the second functional element 103 being coupled to the second device network element 95 as claim.

Referring to claim 11, Civlanar discloses in figure 3, wherein the first device network element 90 and the second device network element 95 are communicatively coupled as claim.

Referring to claim 12, Civlanar discloses in figure 3, wherein the active network comprises a plurality of active network elements coupled by connection media as claim.

Referring to claim 14, Civlanar discloses in figure 3, wherein the step of coupling the device network element to the active network comprises coupling the device network element 90 to one of the active network elements 100 of the plurality of active network elements 100 and 103 as claim.

Referring to claim 15, Civlanar discloses in figure 3, wherein the step of coupling the device network element to the active network comprises coupling the device network element 90 to a first active network 100 of the plurality of active network elements 100 and 103 and to a second active element 95 of the plurality of active network elements 100 and 103 as claim.

Referring to claim 16, Civlanar discloses in figure 3, wherein the step of providing a device network element comprises providing a first device network element 90 and a second device network element 95 and wherein the step of coupling the device network element to the active network comprises coupling the first 90 and second device network elements 95 to the active network (Edge is coupled to the Core portion) as claim.

Referring to claim 17, Civlanar discloses in figure 3, wherein the step of coupling the first and second device network elements to the active network comprises coupling the first

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device network element 90 to a first active element of the active network 100 and coupling the second device network element 95 to a second active element of the active network 103 as claim.

Referring to claim 18, Civlanar discloses in figure 3, wherein the step of coupling the first and the second device network elements to the active network comprises coupling the first 90 and second device network elements 95 to a first active element of the active network 100 and coupling the first 90 and second device network elements 95 to a second active element of the active network 103 (Edge is coupled to the Core portion) as claim.

Response to Arguments

3. Applicant's arguments filed 5/17/04 have been fully considered but they are not persuasive.
4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the active network for communicating data between devices of Civanlar et al is not implemented in a vehicle. Razavi et al discloses a vehicle in-car subnetwork 60 in figures 4 in addition to figure 2, item 24. Razavi discloses a system for integrating components into a vehicle wherein components comprise devices coupled to an in-car network. Razavi discloses in figure 2, of an in-car Ethernet LAN (figure 2, item 24) for communicating data between devices

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within the vehicle. Razavi further discloses of an in-car subnetwork on page 5, lines 38 to page 6, lines 23 of communication devices such as wireless modems 26, CDPD modem 27, cellular phone 29 and wireless Ethernet 28 disposed within the vehicle having a vehicle related function. Furthermore, Razavi discloses in column 6, lines 1-2, that all of the components of the in-car subnetwork are either directly plugged into the compute platform or coupled via an Ethernet connection, thus the devices such as 26, 27 and 29 are coupled to the, in-car Ethernet LAN (figure 2, item 24) and wherein the device includes a device network element interfaces forming a portion of the active network as claim 1. Therefore, it would have been obvious to one of ordinary skills in the art to use the communication system of Civanlar et al. in a vehicle as taught by Razavi for the purpose based on design/environment choice specific to the system requirement.

5. In addition to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that IP packets are routed through the device or that the device can perform custom operations on the IP packets, both of which are required for the device to be considered a part of an active network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Even then to overcome Applicant's assertions that the device 90 is characterized as a source host device, such as personal computer, that sends IP packets via the LAN 100. Examiner agrees that a source host device may be a personal computer, however, a source host device is not limited to a personal computer and very well may be a server that can perform custom operations on the IP packets, both of which are required for

the device 90 to be considered a part of an active network. Therefore, the claims 1-18 respectfully stand rejected.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703)305-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703)305-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs
July 27, 2004


Ajit Patel
Primary Examiner